

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Josephina Hernandez-Garete,

Civ. No. 18-2615 (SRN/LIB)

Petitioner,

v.

**ORDER**

Warden Nanette Barnes,

Respondent.

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Based upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois, and after an independent review of the files, records and proceedings in the above-entitled matter, it is --

ORDERED:

That this matter is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

BY THE COURT:

DATED: November 27, 2018

s/Susan Richard Nelson  
SUSAN RICHARD NELSON  
United States District Judge